

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: 18-CR-00457 (AMD)
:
v. :
:
HUAWEI TECHNOLOGIES, CO., : March 14, 2019
LTD, *et al.*, : Brooklyn, New York
:
Defendants. :
:
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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[Appearances continue next page.]

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3 APPEARANCES CONTINUED:

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1 (Proceedings began at 11:23 a.m.)

2 THE CLERK: Huawei Technologies Company. Is that
3 how you say it? How do you say it?

4 THE COURT: Huawei.

5 MR. KESSLER: Huawei.

6 THE CLERK: Huawei. Okay. So we have a Criminal
7 Cause for an Arraignment on a superseding indictment. It's
8 18-CR-457, United States v. Huawei Technology Company, Huawei
9 Device USA, Inc., and Skycom Technology Co., Ltd. Counsel,
10 state your appearances, please.

11 MR. KESSLER: Good morning, Your Honor. David
12 Kessler, Julia Nestor, and Sarah Evans for the Government and
13 we're joined by our colleagues Laura Billings and Tad Kenler
14 from the Department of Justice.

15 THE COURT: Good morning.

16 MR. COLE: Good morning, Your Honor. James Cole,
17 David Bitkower and Mike Levy on behalf of the defendants
18 Huawei Technologies and Huawei Device.

19 Your Honor, I have a pro hac in. The Government has
20 indicated they do not object to it.

21 MR. KESSLER: That's correct, Your Honor, we don't
22 object to the motion at this time.

23 THE COURT: No one's representing Skycom Tech?

24 MR. KESSLER: Skycom is not scheduled for an
25 arraignment today.

1 THE COURT: Okay.

2 MR. KESSLER: It's just the two Huawei corporate
3 entities.

4 THE COURT: Okay. So Mr. Cole, you're here today
5 because a grand jury has returned a superseding indictment
6 against your clients --

7 MR. COLE: That's correct.

8 THE COURT: -- charging them with various counts. I
9 think Huawei Technologies Company, Ltd. is in all accounts in
10 the superseding indictment 1 through 13. Bank fraud
11 conspiracy times two, those are Counts 1 and 2. Wire fraud
12 conspiracy, Count 3. Two counts of bank fraud, 4 and 5. Wire
13 fraud, Count 6. Counts 7 and 8 are -- well, 7 is conspiracy
14 to defraud the United States. Count 8 is conspiracy to
15 violate -- I always have to look this up to get it right
16 because it's a long name. The International Emergency
17 Economic Powers Act. Count 9 is a violation of that act.
18 Count 10 is conspiracy also to violate it during a different
19 time period. Count 11 is violation of it. Count 12 is money
20 laundering conspiracy. And Count 13 is conspiracy to obstruct
21 justice.

22 I take it you've received a copy of the superseding
23 indictment and passed it along to your clients?

24 MR. COLE: Yes, Your Honor, we have.

25 THE COURT: All right. How do your clients plead to

1 that? Huawei Device is only in 13.

2 MR. COLE: That's correct.

3 THE COURT: And Huawei is in 1 through 13. How do
4 they plead to those charges?

5 MR. COLE: They plead not guilty, Your Honor.

6 THE COURT: Okay. Is one order of excludable delay
7 enough or do we need a separate one for each of the
8 defendants?

9 MR. KESSLER: We can do two just in an abundance of
10 caution.

11 THE COURT: Okay. Have you discussed, Mr. Cole,
12 with your clients the issue of a speedy trial?

13 MR. COLE: We have in general terms, Your Honor. My
14 understanding is they have no problem with the extension here.

15 THE COURT: Okay. So you proposed an exclusion from
16 today through April 4th which I take it is the date that you
17 have set with Judge Donnelly?

18 MR. KESSLER: That's correct, Your Honor. That's
19 the first status conference.

20 THE COURT: Okay. And the purpose for the exclusion
21 of time is because of the complexity of the case, yes?

22 MR. KESSLER: Yes. And the need to work out
23 protective orders and other discovery related mechanisms.

24 THE COURT: That's fine. Has anyone threatened,
25 forced, or pressured your clients to agree to this exclusion

1 of time?

2 MR. COLE: No, they have not, Your Honor.

3 THE COURT: And they understand that if I exclude it
4 now, it's gone, they can't get it back?

5 MR. COLE: Yes, they understand that.

6 THE COURT: What's the deal with Skycom? When are
7 they going to be arraigned? Do we know?

8 MR. KESSLER: So we're in the process of I guess
9 affecting service for officially notifying them although our
10 understanding is given the publicity of this case they may
11 already be aware but we're working on it.

12 THE COURT: Okay. What time is the -- you may have
13 mentioned it.

14 MR. KESSLER: 10:30.

15 THE COURT: 10:30 with Judge Donnelly on the 4th.
16 Okay. So I'll sign the orders of excludable delay finding
17 that it's in the interest of justice to public and the
18 companies as well. Is there anything else?

19 MR. KESSLER: Not from the Government.

20 MR. COLE: Nothing from the defendants, Your Honor.

21 THE COURT: Okay. Thank you.

22 ALL: Thank you, Your Honor.

23 (Proceedings concluded at 11:29 a.m.)

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1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

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5 *Mary Greco*
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Mary Greco

7 Dated: March 15, 2019
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